

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES EARL EVANS SR.,

Plaintiff,

-against-

LYNDSAY SANTA, et al.,

Defendants.

1:23-CV-0637 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated January 30, 2023, the Court directed Plaintiff, who appears *pro se*, to show cause by declaration, within 30 days of the date of that order, why the Court should not dismiss the present action without prejudice as duplicative of *Evans v. Santa*, 1:23-CV-0626 (LTS). The Court warned Plaintiff that if he failed to file a declaration within the time allowed, or failed to show cause why the present action should not be dismissed, the Court would dismiss the present action without prejudice as duplicative of *Evans*, 1:23-CV-0626 (LTS). Plaintiff has not filed a declaration. Accordingly, the Court dismisses the present action without prejudice as duplicative of *Evans*, 1:23-CV-0626 (LTS).

CONCLUSION

The Court dismisses the present action without prejudice as duplicative of *Evans*, 1:23-CV-0626 (LTS).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: April 4, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge